

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN JAY VON ALLMEN,

Plaintiff,

v.

F/V ANDRONICA, *et al.*,

Defendants.

Case No. C04-0550L

ORDER DENYING MOTION IN LIMINE
REGARDING TESTIMONY OF CAPTAIN
HARRY DUDLEY

This matter comes before the Court on “Defendant Andronica Inc.’s Motion in Limine to Partially Exclude the Testimony of Captain Harry Dudley.” Dkt. # 26. Defendant Andronica, Inc., argues that Captain Dudley should not be permitted to testify regarding certain opinions because they are “not based upon his knowledge and skill in the industry, but instead upon sheer unsupported conjecture and speculation, and ultimate conclusions of law made without basis in fact.” Motion at 2.


Captain Dudley has education, training, and experience that may assist the trier of fact to understand the evidence and determine the facts at issue in this case. To the extent defendant Andronica, Inc., disputes the transferability of Captain Dudley’s general maritime expertise to this case, his opinions are open to attack on cross-examination or through the presentation of contrary evidence. Objections based on a lack of foundation or an improper opinion regarding an ultimate issue of law should be raised during Captain Dudley’s testimony

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1 and will be determined in light of all of the evidence presented at trial.

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3 For all of the foregoing reasons, the motion in limine to exclude certain testimony
4 of Captain Dudley is DENIED.

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6 DATED this 16th day of May, 2005.

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8 Robert S. Lasnik
9 United States District Judge